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DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



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December 13, 2002

Mr. William E. Muno, Director
Superfund Division
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (S-6J)
Chicago, Illinois 60604-3590

Dear Mr. Muno:

**SUBJECT: Integrating the Fate of Plainwell, Otsego, and Trowbridge Dams in
Kalamazoo River Superfund Site Feasibility Studies**

The Michigan Department of Environmental Quality (MDEQ) wants to ensure that the United States Environmental Protection Agency (EPA) understands the State of Michigan's (state) position on the fate of three state-owned dams on the Kalamazoo River. In a January 18, 2002 letter to the EPA (enclosed), the Michigan Department of Natural Resources (MDNR) explained the state's long-standing intention to remove its dams and begin implementing its fisheries management plans. A package of background information on the MDNR's plan was included with that letter. We trust the MDNR letter was added to the EPA's administrative record and will be given appropriate weight during the feasibility study process for the Kalamazoo River Superfund site.

The MDEQ expresses full support of the MDNR's plans to remove its dams, which need to be removed for many reasons, including:

- 1) The MDNR purchased the dams and surrounding impoundment acreage with state funds, with the objective to improve the water quality of the Kalamazoo River. Provided that the sediment contamination in the river is appropriately addressed, removal of the dams will improve water quality.
- 2) The dams have clearly exceeded their design life; for some time now, they have not been usable for the purpose for which they were engineered.
- 3) The dams cannot be repaired to keep them safely in place for the long term. Although the state, in 2001, implemented interim measures to stabilize the dams, these measures are anticipated to last only another two to seven years. The dams are in such decay that the risk of catastrophic failure after that time is considerable.
- 4) The presence of dams restricts and hinders the MDNR in its duty to manage state fisheries and wildlife resources. The dams, like the contaminants, restrict public use of the resource and prevent the fishery from realizing its potential.

- 5) Ongoing expenditure of state funds to maintain unwanted, obsolete, unsafe dams cannot be justified, considering the dams themselves degrade the resource. Such expenditure is in direct opposition to the intent of resource appropriations, which are meant to maintain and improve natural resources. Michigan law (Part 315, Dam Safety, of the Natural Resource and Environmental Protection Act, 1994 PA 451, as amended) specifically identifies dam removal as an acceptable alternative to dam repair. The MDNR intends to implement that alternative.

The MDEQ completely supports the EPA's long term water quality goal and EPA's conclusions regarding aging dams, as expressed in the recent publication *EPA Region 5 State of the Waters 2002* (EPA-905-R-02,007, September, 2002):

Our Long Term Goal: ...watersheds and their aquatic ecosystems will be restored and protected to improve human health, enhance water quality, reduce flooding, and provide habitat for wildlife.

Returning rivers to a free-flowing condition eliminates safety risks posed by aging dams and improves the biological health of streams. Dam removal can also make sense economically, as the cost of repairing a small dam is on average 300 percent greater than the cost of removing a dam.

Given the above statements, dam removal is consistent with the EPA's goals. It also would create conditions consistent with the *Great Lakes Strategy 2002*, developed by the U.S. Policy Committee for the Great Lakes, which states:

Stressors affecting fishery resources rarely act singly, often having complex interactions, and frequently impact several levels of the aquatic ecosystem.

As a consequence, remedial management must address problems on a comprehensive whole-system basis. A natural focus of the fishery agencies, therefore, is the maintenance and development of entire fish communities which can provide improved contributions to society. Such an ecosystem approach requires the protection and rehabilitation of aquatic habitat and fishery management to ensure stable self-sustaining populations.

It is our view a whole-system approach including dam removal is necessary for the Kalamazoo River to protect habitat and the fishery. Other dams not owned by the MDNR would then be subject to eventual removal or modification to provide fish passage.

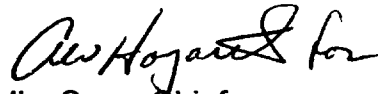
It is important to recognize that the state has not proceeded to remove its dams only because contaminated sediment deposits remain in the impoundments. Before dams can be removed, some degree of sediment cleanup must occur. While the MDNR's past attempts to remove its dams were only partially funded, this should not be perceived as a lack of resolve to complete the task. Current budget reductions for the MDNR are also not indicative of dwindling intent, and should not be a consideration in the river's feasibility studies.

If the MDNR is unable to secure funding for dam removal in a timeframe compatible with the EPA's schedule, the MDEQ is committed to fund dam removal in conjunction with the EPA's implementation of site remediation in the vicinity of the dams. State environmental response funds would be requested to remove the three dams to take advantage of sequence, timing, monitoring, and other considerations associated with removal of sediment in the impoundments. Furthermore, when the state removes the dams, it will seek cost recovery from the site's liable parties to the fullest extent of state and federal law.

Given that the conditions of the dams are such that future repairs are not possible, ultimately, the dams will either fail or be removed. Thus, any alternative that depends on the perpetual existence of the Plainwell, Otsego, or Trowbridge dams cannot be deemed feasible, implementable, or permanent. The state will not support selection of any alternative that requires these dams to remain.

We look forward to working with the EPA in a partnership to ensure that remedial actions on the Kalamazoo River allow removal of the obsolete dams and make significant progress toward our common water quality goals. Dam removal is critical to the protection of the valuable resources entrusted to us by the people of Michigan and the surrounding Great Lakes states.

Sincerely,



Jim Sygo, Chief
Remediation and Redevelopment Division
517-335-1104

Enclosure

cc: Ms. Jo Lynn Traub, EPA
Mr. Gary Gulezian, EPA
Ms. Eileen Furey, EPA
Ms. Bonnie Eleder, EPA
Dr. Lisa Williams, United States Fish and Wildlife Service
Mr. Todd Goeks, National Oceanic Atmospheric Administration
Mr. Robert Beck, Kalamazoo River Watershed Council
Mr. Dayle Harrison, Kalamazoo River Protection Association
Mr. Sam Washington, Michigan United Conservation Club
Mr. Matthew Doss, Great Lakes Commission
Mr. Neil Gordon, Michigan Department of Attorney General
Ms. Sharon Hanshue, MDNR
Mr. Harold Fitch, MDEQ
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